

U.S. Department of Justice

United States Attorney Southern District of New York

26 Federal Plaza, 37th Floor New York, New York 10278

April 9, 2025

The Honorable Arun Subramanian United States District Judge Southern District of New York 500 Pearl Street New York, NY 10007

Re: United States v. Combs, S2 24 Cr. 542 (AS)

Dear Judge Subramanian:

The Government writes to join non-party Warner Bros. Discovery, Inc.'s motion to quash the defendant's Rule 17(c) subpoena (the "Subpoena"). (See Dkt. No. 219). For the reasons set forth in the movant's memorandum of law, the Subpoena exceeds the limited scope of Rule 17 and seeks to circumvent Rule 16, the Federal Rule governing discovery in criminal cases. See U.S. v. Nixon, 418 U.S. 683, 698-99 (1974). Indeed, the Subpoena exclusively seeks impeachment material, which is plainly not authorized by Rule 17(c). See, e.g., United States v. Xu, No. 23 Cr. 133 (JMF), 2024 WL 4504352, at *4 (S.D.N.Y. Oct. 16, 2024) (citing "decades of cases in this Circuit reiterating, and indeed strengthening" rule that obtaining impeachment material is not a proper use of Rule 17(c)).

Accordingly, the Government joins in Warner Bros. Discovery, Inc.'s motion and respectfully requests that the Court quash the Subpoena.

Respectfully submitted,

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By: /s

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